

PATENT (U.S.A.)  
ATTORNEY'S DOCKET NO.  
61466-260470

# DECLARATION

- ☒ ORIGINAL  
☐ CONTINUATION  
☐ DIVISIONAL

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below at 1-4, of the invention entitled:

METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS

Which is described and claimed in:

- ☒ the attached specification or  
☐ the specification in application Serial No. \_\_\_\_\_ filed \_\_\_\_\_  
☐ as amended on \_\_\_\_\_

and for which a patent is sought, and that my residence, post office address and citizenship are as stated below next to my name.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION NUMBER(S)	COUNTRY	DATE OF FILING Month Day Year	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES _ NO _
			YES _ NO _

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

60/140,929  
(Application Serial No.)

June 28, 1999  
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)

(Filing Date)


(Status)

Send correspondence to:  
**PILLSBURY MADISON & SUTRO LLP**  
 725 South Figueroa, Suite 1200  
 Los Angeles, CA 90017-5443

**DIRECT TELEPHONE CALLS TO:**  
**Vivian S. Shin**  
**(213) 488-7100**

1	LAST NAME Jakubaitis	FIRST NAME Frank	MIDDLE NAME J.	Residence: CITY Tustin Ranch	STATE or COUNTRY CA
	Post Office Address 10795 Duroy, Tustin Ranch, CA 92782				CITIZENSHIP US
2	LAST NAME	FIRST NAME	MIDDLE NAME	Residence: CITY	STATE or COUNTRY
	Post Office Address				CITIZENSHIP
3	LAST NAME	FIRST NAME	MIDDLE NAME	Residence: CITY	STATE or COUNTRY
	Post Office Address				CITIZENSHIP
4	LAST NAME	FIRST NAME	MIDDLE NAME	Residence: CITY	STATE or COUNTRY
	Post Office Address				CITIZENSHIP

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1 	SIGNATURE OF INVENTOR 2
DATE 6.28.00	DATE
SIGNATURE OF INVENTOR 3	SIGNATURE OF INVENTOR 4
DATE	DATE

PATENT  
61466-250470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Art Unit: Not assigned  
) Examiner: Not assigned  
Frank J. Jakubaitis )  
Serial No: Not assigned )  
Filed: June 28, 2000 )  
For: METHOD AND SYSTEM FOR )  
DISTRIBUTING DIGITAL WORKS )

POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR UNDER RULE 3.71

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned Mr. Frank J. Jakubaitis is a representative authorized to sign on behalf of the assignee of the entire interest in the above-identified subject application, **NETPACK, INC.** and hereby appoints:

Paul N. Kokulis, Reg. No. 16,773; Raymond F. Lippitt, Reg. No. 17,519; G. Lloyd Knight, Reg. No. 17,698; George M. Sirlila, Reg. No. 18,221; Carl G. Love, Reg. No. 18,781; Kevin E. Joyce, Reg. No. 20,508; Edgar H. Martin, Reg. No. 20,534; David W. Brinkman, Reg. No. 20,817; Jay M. Finkelstein, Reg. No. 21,082; William K. West, Jr., Reg. No. 22,057; G. Paul Edgell, Reg. No. 24,238; Donald J. Bird, Reg. No. 25,323; Peter W. Gowdey, Reg. No. 25,872; Richard H. Zaitlen, Reg. No. 27,248; Glenn J. Perry, Reg. No. 28,458; Dale S. Lazar, Reg. No. 28,872; Kendrew H. Colton, Reg. No. 30,368; Mark G. Paulson, Reg. No. 30,793; Paul E. White, Jr., Reg. No. 31,097; Roger R. Wise, Reg. No. 31,204; Stephen C. Glazier, Reg. No. 31,361; Paul F. McQuade, Reg. No. 31,542; Michelle N. Lester, Reg. No. 32,331; David A. Jakopin, Reg. No. 32,995; Timothy J. Klima, Reg. No. 34,852; Lynn E. Eccleston, Reg. No. 35,861; Paul G. Nagy, Reg. No. 37,896; Peter J. Gluck, Reg. No. 38,022; Steven W. Smyrski, Reg. No. 38,312; Richard K. Yoon, Reg. No. 42,247; Eric S. Chen, Reg. No. 43,542; Vivian S. Shin, Reg. No. 43,919

all of the firm of **PILLSBURY MADISON & SUTRO LLP** as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventor and his attorney in accordance with the provisions of Rule 32 of the Patent Office Rules of Practice.

**NETPACK, INC.**, per 37 C.F.R. §3.73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersign's knowledge and belief, title is in the assignee seeking this action.

**NETPACK, INC.**, declares that 100% ownership is established by the assignment filed for recordation on, a copy of which is attached.

Please direct all telephone calls to **Vivian S. Shin** at (213) 488-7100 and all correspondence relative to said application to the following address:

Vivian S. Shin  
PILLSBURY MADISON & SUTRO LLP  
725 South Figueroa Street, Suite 1200  
Los Angeles, CA 90017-5443

**ASSIGNEE: NETPACK, INC.**

Date: 6.28.00

Signature: 

Title:

CEO

Address:

2102 Business Center Drive  
Irvine, CA 92612

008290" 202/0960  
09607202 062800

Applicant or Patentee: Frank J. Jakubaitis

Docket No. 61466-250470

Serial or Patent No.: Not assigned

Filed or Issued: June 28, 2000

For: METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(f) and 1.27 (b) - SMALL BUSINESS CONCERN)**

I hereby declare that I am

- ☐ the owner of the small business concern identified below.  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN

NETPACK, INC.

ADDRESS OF CONCERN

2102 Business Center Drive, Irvine, CA 92612

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18.

I hereby declare that rights under contract of law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS by inventor(s) Frank J. Jakubaitis described in:

- ☒ the specification filed herewith  
☐ Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the right held by the above-identified small business concern is not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Frank J. Jakubaitis

TITLE OF PERSON OTHER THAN OWNER

CEO

ADDRESS OF PERSON SIGNING

2102 Business Center Drive, Irvine, CA 92612SIGNATURE Frank J. Jakubaitis CEO

DATE

6.28.00